

CLOSED, ECF

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:11-cv-06398-LTS**

American Civil Liberties Union et al v. Federal Bureau of
Investigation et al
Assigned to: Judge Laura Taylor Swain
Cause: 05:552 Freedom of Information Act

Date Filed: 09/14/2011
Date Terminated: 11/29/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

American Civil Liberties Union

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Plaintiff

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V.

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Date Filed	#	Docket Text
09/14/2011	<u>1</u>	COMPLAINT against Federal Bureau of Investigation, United States Department of Justice. (Filing Fee \$ 350.00, Receipt Number 465401016363) Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union.(rdz) (Entered: 09/15/2011)
09/14/2011		SUMMONS ISSUED as to Federal Bureau of Investigation, United States Department of Justice. (rdz) (Entered: 09/15/2011)

09/14/2011		Magistrate Judge Gabriel W. Gorenstein is so designated. (rdz) (Entered: 09/15/2011)
09/14/2011		Case Designated ECF. (rdz) (Entered: 09/15/2011)
09/14/2011	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(rdz) (rdz). (Entered: 09/15/2011)
09/26/2011	<u>3</u>	INITIAL CONFERENCE ORDER: Initial Conference set for 12/16/2011 at 11:30 AM in Courtroom 11C, 500 Pearl Street, New York, NY 10007 before Judge Laura Taylor Swain. (Signed by Judge Laura Taylor Swain on 9/23/2011) (jfe) (Entered: 09/26/2011)
09/27/2011	<u>4</u>	AFFIDAVIT OF SERVICE of Initial Conference Order served on Federal Bureau of Investigation, United States Department of Justice, and United States Attorney for the Southern District of New York on 9/27/2011. Service was made by Mail. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Haddad, Richard) (Entered: 09/27/2011)
09/27/2011	<u>5</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. United States Department of Justice served on 9/16/2011, answer due 10/7/2011. Service was accepted by Steffon Edmonds, USDOJ Employee. Document filed by American Civil Liberties Union Foundation; American Civil Liberties Union. (Haddad, Richard) (Entered: 09/27/2011)
09/27/2011	<u>6</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. United States Department of Justice served on 9/15/2011, answer due 11/14/2011. Service was accepted by Calvin Coleman, Legal Tech, United States Attorney for the Southern District of New York. Document filed by American Civil Liberties Union Foundation; American Civil Liberties Union. (Haddad, Richard) (Entered: 09/27/2011)
09/29/2011	<u>7</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Federal Bureau of Investigation served on 9/16/2011, answer due 10/7/2011. Service was accepted by Val Burton, Administrative Assistant & Authorized Agent. Document filed by American Civil Liberties Union Foundation; American Civil Liberties Union. (Haddad, Richard) (Entered: 09/29/2011)
10/17/2011	<u>8</u>	ANSWER to <u>1</u> Complaint. Document filed by Federal Bureau of Investigation, United States Department of Justice.(Morgan, Brian) (Entered: 10/17/2011)
12/08/2011	<u>9</u>	ENDORSED LETTER addressed to Judge Laura Taylor Swain from Richard I. Haddad dated 12/6/2011 re: We write to request that the Court accept this joint letter in lieu of the preliminary pre-trial statement that the Court's Initial Conference Order directed the parties to file on or before December 9, 2011. ENDORSEMENT: The request to waive the written report is granted. (Signed by Judge Laura Taylor Swain on 12/7/2011) (lmb) (Entered: 12/08/2011)
12/16/2011	<u>10</u>	FIRST STIPULATION AND ORDER REGARDING DOCUMENT SEARCHES BY THE FEDERAL BUREAU OF INVESTIGATION: It is hereby Stipulated and agreed that by January 23, 2012, FBI will complete its search for documents that are potentially responsive to Plaintiffs' FOIA Request. Within two weeks of the completion of FBI's search, Plaintiffs and FBI will meet and confer regarding the results of the search. Within three weeks of the completion of the search, Plaintiffs and FBI will submit to the Court a status report (a) stipulating to a consensual schedule for FBI's processing and production of responsive documents, which will be produced in full except to the extent that they are withheld or redacted pursuant to applicable FOIA exemptions; or (b) requesting that the Court set such a schedule. (Signed by Judge Laura Taylor Swain on 12/16/2011) (jfe) (Entered: 12/16/2011)
12/16/2011	<u>11</u>	FIRST STIPULATION AND ORDER REGARDING DOCUMENT SEARCHES AND PROCESSING BY THE U.S. DEPARTMENT OF JUSTICE: It is hereby Ordered that DOJ will search for responsive documents only within the following components: the Office of the Attorney General, the Office of the Deputy Attorney General, and the Office of Legal Policy. DOJ will limit its search and processing to final documents – i.e., drafts will be excluded. DOJ will exclude electronic mail

		from its search and processing. By January 15, 2012, DOJ will complete its search for documents that are potentially responsive to Plaintiffs FOIA request. Within two weeks of the completion of DOJ's search, Plaintiffs and DOJ will meet and confer regarding the results of the search. By April 15, 2012, DOJ will process all responsive documents located in its searches conducted pursuant to paragraph 2, and will either produce them to Plaintiffs, or notify Plaintiffs of the complete or partial withholding of documents pursuant to an applicable FOIA exemption. (Signed by Judge Laura Taylor Swain on 12/16/2011) (jfe) (Entered: 12/16/2011)
12/16/2011		Minute Entry for proceedings held before Judge Laura Taylor Swain: Initial Pretrial Conference held on 12/16/2011. Next Pretrial Conference set for 5/4/2012 at 12:00 PM before Judge Laura Taylor Swain. (rjm) (Entered: 12/19/2011)
02/15/2012	<u>12</u>	SECOND STIPULATION AND ORDER REGARDING DOCUMENT SEARCHES BY THE FEDERAL BUREAU OF INVESTIGATION: IT IS HEREBY STIPULATED AND AGREED by and among Plaintiffs and the FBI as follows: 1. By May 7, 2012, the FBI will process all responsive documents located in its searches conducted in response to plaintiffs' FOIA request and will either produce them to Plaintiffs, or notify Plaintiffs of the complete or partial withholding of documents pursuant to an applicable FOIA exemption. 2. Within three weeks of the completion of all productions and/or notifications pursuant to paragraph 1 above, the parties will meet and confer regarding the documents withheld in whole or in part by the FBI, and Plaintiffs will notify the FBI if they intend to object to any of these withholdings. If Plaintiffs indicate that they object to one or more of these withholdings, the parties will endeavor to resolve or narrow the parties' differences. To the extent necessary, the parties will attempt to agree upon, or else request that the Court establish, a schedule for the FBI to prepare a formal or informal index of the exemptions claimed for the withheld documents at issue, and for the parties to brief to the Court the propriety of the relevant withholdings. 3. For good cause shown, the deadline in paragraph 1 for the FBI to complete the processing and production of responsive documents may be extended either (a) by the parties pursuant to a stipulation and order submitted to the Court for approval, or (b) by application made by the FBI to the Court. (Signed by Judge Laura Taylor Swain on 2/15/2012) (lmb) (Entered: 02/15/2012)
02/15/2012	<u>13</u>	CONSENT ORDER GRANTING SUBSTITUTION OF ATTORNEY: Notice is hereby given that, subject to approval by the court, FBI and DOJ substitutes Jeffrey Oestericher as counsel of record in place of Brian K. Morgan. Attorney Jeffrey Stuart Oestericher for Federal Bureau of Investigation, Jeffrey Stuart Oestericher for United States Department of Justice added. Attorney Brian K. Morgan terminated. (Signed by Judge Laura Taylor Swain on 2/15/2012) (lmb) (Entered: 02/15/2012)
05/04/2012		Set Deadlines/Hearings: Request for Production of Documents due by 5/11/2012. Pretrial Conference set for 9/7/2012 at 12:00 PM before Judge Laura Taylor Swain. (pl) (Entered: 05/07/2012)
05/04/2012		Minute Entry for proceedings held before Judge Laura Taylor Swain: Interim Pretrial Conference held on 5/4/2012. PTC held. Defendant F.B.I.'s production is extended to 5/11/2012. Next PTC is scheduled for 9/7/2012 at 12:00pm. (pl) (Entered: 05/07/2012)
05/07/2012	<u>14</u>	NOTICE of Withdrawal of Richard I. Haddad. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Haddad, Richard) (Entered: 05/07/2012)
05/07/2012	<u>15</u>	NOTICE OF APPEARANCE by Stuart Andrew Youngs on behalf of American Civil Liberties Union, American Civil Liberties Union Foundation (Youngs, Stuart) (Entered: 05/07/2012)
07/23/2012	<u>16</u>	ORDER: The pretrial conference scheduled for September 7, 2012, is rescheduled to September 27, 2012, at 12:00 p.m. in Courtroom 11C. (Pretrial Conference set for 9/27/2012 at 12:00 PM in Courtroom 11C, 500 Pearl Street, New York, NY 10007 before Judge Laura Taylor Swain.) (Signed by Judge Laura Taylor Swain on 7/23/2012) (dj) (Entered: 07/23/2012)

09/25/2012	<u>17</u>	ENDORSED LETTER addressed to Judge Laura T. Swain from Stuart A. Youngs dated 9/25/2012 re: We write to request a two-week adjournment of the pretrial conference currently scheduled to be held before Your Honor on September 27, 2012 at 12:00 p.m. This is the first request for such an adjournment and the request is made with the consent of the defendants. ENDORSEMENT: The Conference is adjourned to October 10, 2012 at 11:00 a.m. SO ORDERED., (Pretrial Conference set for 10/10/2012 at 11:00 AM before Judge Laura Taylor Swain.) (Signed by Judge Laura Taylor Swain on 9/25/2012) (ama) (Entered: 09/25/2012)
10/10/2012		Minute Entry for proceedings held before Judge Laura Taylor Swain: Interim Pretrial Conference held on 10/10/2012. PTC held. Parties are to submit a written update to the Court by 11/16/2012. Next PTC is scheduled for 1/25/2013 at 3:00pm. (Pretrial Conference set for 1/25/2013 at 03:00 PM before Judge Laura Taylor Swain.). (pl) (Entered: 10/17/2012)
11/29/2012	<u>18</u>	JOINT STIPULATION OF DISMISSAL. IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs American Civil Liberties Union and American Civil Liberties Union Foundation and Defendants Federal Bureau of Investigation and United States Department of Justice, through their respective and undersigned counsel, that the above-caption action and all causes of action that were or could have been asserted therein be dismissed with prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure. ENDORSEMENT: The Clerk of Court is requested to close this case. So ordered. (Signed by Judge Laura Taylor Swain on 11/28/2012) (rjm) (Entered: 11/29/2012)